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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,755	11/03/2000	Hideaki Furukawa	35.C10563 REI	4371
5514 7590 06/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PAN, DANIEL H	
			ART UNIT 2183	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/704,755

Applicant(s)

FURUKAWA, HIDEAKI

Examiner

Daniel Pan

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 138-158 is/are pending in the application.
- 4a) Of the above claim(s) 1-137 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 138-158 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 138-153 remain for examination. Claims 154-158 have been added. Claims 1-137 are canceled.

2. Claims 138, 142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoto et al. (5,012,281) in view Nakahara et al (5,172,244).

AS to the newly amended feature of transmission control means, see response to applicant's remarks below.

3. As to the feature of network, since no specific network has been reflected into the claim, examiner holds that a network in general had been already well known in the art. The most general example is a system includes terminals connected in group. The examiner has maintained this position in this action unless more specific details of network have been reflected into the claims.

4. Claims 138-153, 154-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al. (5,172,244) in view of Sakata (4,905,098).

5. As to claims 154-158, Nakahara also taught selecting printer on the ratio (see selection of image writers in col.4, lines 15-43).

6. As to the ratio of number of print troubles to the number of prints indicated, Nakahara showed the print count and updated count (see the set number and count number in col.3, lines 56-64, col.6, lines 9-39), which was a ratio. In addition to Nakahara, Sakata disclosed a system including a trouble count (see the jam counter in col.11, lines 18-34). It would have been obvious to one of ordinary skill in the art to recognize the jam by Sakata was a ratio of the trouble counts with the prints indicated. Furthermore, Nakahara showed the print count and updated count (see the set number and count number in col.3, lines 56-64, col.6, lines 9-39), which was a suggestion of the need for providing a trouble count, such as the jammed ratio.

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7. Amendments and remarks regarding the rejections to claims 138 and 142 are rejected under 35 U.S.C. 101 have been found persuasive. The rejections to claims 138 and 142 are rejected under 35 U.S.C. 101 have been withdrawn.

8. The rejections under "103" are maintained and incorporated by reference the last Office action on 12/20/07.

9. The response filed on 03/20/07 has been fully considered but is not persuasive.

10. In the remarks, applicant argued that :

- a) Kusomoto merely disclosed manually clear/stop switch by user which is not the initialization means of claim 138;
- b) no transmission between output control and information apparatus is being taught;
- c) claim 138 recited repeated initialization step;
- d) transmission control step and initialization control step are repeated performed;

11. As to a), claim 138 never recited that the initialization means was not manually operated , or the like.

12. As to b), Kusomoto showed the transmission between the output control and information apparatus (see the input terminals and output terminals connected with the microprocessors in col.8, lines 35-48).

13. As to c), Kusumoto did not specifically show the initialization means were repeatedly perform the initialization when the print count value counted by the reached the predetermined value as claimed. However, Nakahara also taught reputedly initialization (see the data of the image switched to the initial modes automatically in col.4, lines 62-68). It would have been obvious to one of ordinary skill in the art to use Nakahara in Kusumoto for repeatedly performing initialization as claimed because the use of Nakahara could provide Kusumoto the ability to start the detection of the troubled data automatically without the interruption of the operator, and because Kusumoto did disclose to reduce the maintenance and servicing efforts of operator (see co1.14, lines

45-53), which was the suggestion of the need for providing the repeatedly initialization in order to minimize the interruption by the operator, for the above reasons, provided a motivation.

14. As to d), applicant recites the transmission control means was for controlling transmission. Nakahara taught the mode of clear key 518 restored the data in the memory area 10 to initial modes by setting up the modes automatically (col.4, lines 63-66). The restoring of the data to initial modes were the transmission control of the data itself. Otherwise, the set up for the initial modes would not have achieved.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
GROUP

